ppu

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,782	11/26/1999	JAMES MCKEETH	MICE-0089	6698

7590   08/23/2002

COE F MILES
TROP PRUNER HU & MILES P C
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

EXAMINER
STEELMAN, MARY J

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 08/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.		Applicant(s)	*PRG*
Office Action Summary		09/449,782		MCKEETH, JAMES	
		Examiner		Art Unit	
		Mary J. Steelman		2122	

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 March 2001_ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-22_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _26 November 1999_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _2_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1 – 22 are pending.

Drawings

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because

reference character "Fig. 3, 308" has been used to designate both 308 and 310. A proposed

drawing correction or corrected drawings are required in reply to the Office action to avoid

abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3.   The disclosure is objected to because of the following informalities:

Page 7, line 7, recites "routine 400", should be – routine 402--. Change the item number from

400 to 402 to correspond to Fig. 4. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and
distinctly claiming the subject matter, which the applicant regards as his invention.   .

5.   **Regarding claim 5:**
The presence of a trademark in a claim is improper because a trademark denotes the
manufacturer, not the product, and the product covered by a trademark can vary. Furthermore,
the value of a trademark or trade name, to the extent that it became descriptive of a product, as
opposed to the source of origin or a product, would be diminished.
Remove the word "WINDOWS" from page 8, claim 5 and substitute a generic phrase.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1 - 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent

No. 6,182,279 to Buxton.

Regarding claim 1, Buxton teaches:

-receiving an identifier. (Col. 12, lines 2-3: "User may enter a descriptive name of the

template...")

-receiving output from a command line utility. (Col. 13, line 8:) "Template builder creates

templates...")

-storing the command line utility output in a system storage at a location identified by the

identifier. (Col. 13, lines 10 – 14: "Template storage DLL performs a number of

...storage/retrieval methods...")

Buxton disclosed a template builder utility (col. 2, lines 32-34) that allows user selected options

to modify base components (OLE controls) and stores the modifications as templates.

Regarding claim 2, Buxton teaches:

-receiving an identifier that identifies one or more entries in a system registry database. (Fig. 2,

item 205 and col. 13, lines 14-15, "...registry keys are created...")

Regarding claim 3, Buxton teaches:

-receiving a root key identifier. (Col. 11, line 2: "Most OLE object application information is

stored in subkeys under the CSLID root key...")

Regarding claim 4, Buxton teaches:

-receiving a sub-key identifier. (Col. 11, line 2 and col. 14, line 31: To facilitate loading of

template...a number of registration or subkey are included with template...")

Regarding claim 5, Buxton teaches:

-a WINDOWS operating system registry database. (Col. 4, line 49: "Operation of computer

system is generally controlled...by operating system software, such as...Windows95...")

Regarding claim 6, Buxton teaches:

-receiving a system storage identifier. (Col. 12, lines 20-21, "...users identify...templates to be

packaged...")

Regarding claim 7, Buxton teaches:

-receiving an identifier indicating a system registry. (Col. 10, line 66 – col. 11, line 4: A CLSID

identifies the functionality of an object class that can display...access to property values...A

subkey is used by an OLE to find out information about the control.")

Regarding claim 8, Buxton teaches:

-receiving an identifier indicating shared system memory. (Col. 8, lines 6-7: "OLE libraries

(shared) comprise the set of system-level services in accordance with the OLE specification...")

Regarding claim 9, Buxton teaches:

-shared system memory identifies a system clipboard memory. (Col. 11, line 6: "An

FORMATETC...is an OLE data structure which acts in a generalized clipboard format...")

Regarding claim 10, Buxton teaches:

-receiving output directly from the command line output utility. (Col. 2, lines 34 – 38 and col.

13, lines 23-24: "The template builder utility further enables the user to package templates in a

template distribution package format which enables the templates to be distributed to other users...")

Regarding claim 11, Buxton teaches:

-receiving output from the command line output utility through a subsequent command line output routine. (Col. 14, line 61-65, "...the Create Distribution Pack option..."

Regarding claim 12, Buxton teaches:

-associating each line of command line utility output with a line identifier in the system storage. (Col. 3, lines 1-9: Template storage with a means for indexing, including key information associated with the template. "...a memory having one or more locations, means for indexing one or more locations within the memory..." Also col. 13, lines 35-44, templates are stored with an enumerated decimal number: "Each template is stored in an ISTORAGE whose name is unique...and may have the form TEMPLEnnn, where nnn may be a decimal number.")

Regarding claim 13, Buxton teaches:

-setting each line identifier to a value corresponding to that line's position in the command line utility output. (Rejection of claim 12 is incorporated and further claim contains limitations as recited in claim 12. Therefore claim 13 is rejected under the same rational as claim 12.)

Regarding claim 14, Buxton teaches:

-setting a default value of the received identifier to equal the total number of command utility output lines stored in the system storage. (Rejection of claim 12 is incorporated and further claim contains limitations as recited in claim 12. Therefore claim 14 is rejected under the same rational as claim 12.)

Regarding claim 15, Buxton teaches:

-A program storage device (Col. 2, line 49- 52.)

Claim 15 contains limitations as recited in claim 1, therefore claim 15 is rejected under the same rational as claim 1.

Regarding claim 16, Buxton teaches:

-instructions to store command line utility output in an operating system registry database. (Col. 13, lines 10 – 15: "Template storage DLL performs a number of formatting and storage/retrieval methods...Template storage DLL ensures all additional registry keys...are created...")

Regarding claim 17, Buxton teaches:

-instructions to store command line utility output in an operating system maintained volatile memory. (Fig. 1, item 110 (volatile) and col. 23, line 36 – col. 24, line 10: "A software implementation of the above described embodiment may comprise a series of computer instructions either fixed on a tangible medium...or transmittable to a computer system...such instructions may be stored using any memory technology ...on system ROM or fixed disk...")

Regarding claim 18, Buxton teaches:

-instructions to receive one or more lines of output from the command line utility. (Fig. 2.)

-instructions to store each of said one or more lines of output in the system storage. (Fig. 2, item 205, col. 14, lines 26-29: "The remainder of the operating system registry entries are generated by code in the template storage DLL and are stored in both registry and the template.")

Regarding claim 19, Buxton teaches:

-instructions to associate a unique identifier with each of the one or more lines of output stored in the system storage. (Col. 13, lines 40-41, "...name is unique to the machine for that template.")

Regarding claim 20, Buxton teaches:

-instructions to set a value associated with the received identifier in the system storage equal to

the number of lines of output stored in the system storage. (Rejection of claim 18 is incorporated

and further claim contains limitations as recited in claim 12. Therefore claim 20 is rejected

under the same rational as claim 12.)

Regarding claim 21, Buxton teaches:

-a processor.

-a storage device coupled to the processor.

-the storage device having stored thereon a program having instructions to receive an identifier,

receive output from a command line utility, and store the command line utility output in the

system storage at a location identified by the identifier.

(See fig. 1. Claim 21 contains limitations as recited in claim 1, therefore claim 21 is rejected

under the same rational as claim 1.)

Regarding claim 22, Buxton teaches:

-program comprises a dynamic link library. (Fig. 2, item 205.)

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

        U.S. Pat. No. 5745669 to Hugard et al., (Utility, with command line input, monitors

changes in configuration files, monitors CMOS for corruption on a WINDOWS system, and

stores output.)

        U.S. Pat. No. 6151701 to Humphreys et al., (Output files generate line numbers and

associate output with source.)

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The

examiner can normally be reached Monday through Thursday and alternate Fridays, from 7:15

A.M. to 4:45 P.M.   If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Gregory Morse can be reached on (703) 308-4789.

        The fax phone numbers are (703) 746-7240 for regular communications and (703) 746-

7239 for After Final communications. Any inquiry of a general nature or relating to the status of

this application or proceeding should be directed to the receptionist whose telephone number is

(703) 305-3900.

MS

08/16/2002

ANIL KHATRI
PRIMARY EXAMINER